

### **REMARKS/ARGUMENTS**

The rejection presented in the Office Action dated September 17, 2007 (hereinafter Office Action) has been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, Applicant has amended independent Claims 1 and 20 to indicate that the portable data processor determines context information associated with a location and carries out a reminder concerning a stored association associated with the location. As these changes merely introduce the limitations of original Claims 12 and 31 (now canceled) to the independent claims, the changes do not introduce new matter. Each of the pending claims is believed to be patentable over the asserted reference for the reasons set forth below.

The asserted reference, U.S. Publication No. 2002/0019825 by Smiga *et al.* (hereinafter "Smiga") does not teach at least carrying out a reminder concerning a stored association based upon determined location context information, as now claimed in each of the independent claims. For example, Smiga does not teach or suggest a device that determines context information associated with the location of the device. The cited portion at paragraph [0083] merely teaches alternative date expressions that the date/time parser of Smiga recognizes and the rules the parser follows to parse such information received in a keynote. The rules for parsing date/time information are unrelated to the claimed determination of context information associated with a location. Similarly, the object type table discussed in paragraph [0194] merely describes types of information received in Smiga's system and makes no mention of a processor that determines context information associated with a location of the processor. In contrast, paragraph [0194] is directed to user-defined types of information. Since Smiga fails to at least teach or suggest carrying out a reminder concerning a stored association based upon determined location context information, as now claimed, Smiga does not correspond to such limitations. Without correspondence to each of the claim limitations, the § 102(e) rejection would be improper.

In order to anticipate a claim, the asserted reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102. Applicant respectfully submits that Smiga does not teach every element of independent Claims 1 and 20 in the requisite detail and therefore fails to anticipate Claims 1-11, 13-30 and 32-38. Applicant accordingly requests that the rejection be withdrawn.

Applicant further traverses the rejection because the Office Action improperly pieces together portions of different embodiments of Smiga without showing how those portions work together to arrive at the claimed limitations. Section 2131 of the MPEP clearly states that "the identical invention must be shown in as complete detail as is contained in the ... claim" (citing *Richardson v. Suzuki Motor Co.*) and further states that various portions of a reference cannot be asserted together to anticipate a claim unless the reference arranges the limitations as they are arranged in the claim. In this instance, the cited portions in paragraphs [261] and [262] discuss a specific embodiment directed to a collaboration cycle. Moreover, these cited portions appear to be unrelated to the claimed limitations as they are directed to communication from a delegate, not commands entered by an initial user. Thus, the rejection is improper, and Applicant accordingly requests that it be withdrawn.

Dependent Claims 2-11, 13-19, 21-30 and 32-38 depend from independent Claims 1 and 20, respectively, and also stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Smiga. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are also improper for the reasons discussed above in connection with independent Claims 1 and 20. These dependent claims include all of the

limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited reference. Therefore, the rejection of dependent Claims 2-11, 13-19, 21-30 and 32-38 is improper, and Applicant requests that the rejection be withdrawn.

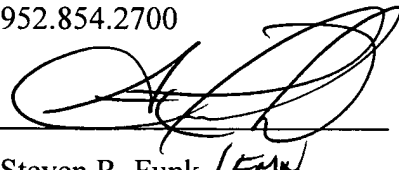
Authorization is given to charge Deposit Account No. 50-3581 (NKO.008.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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By: \_\_\_\_\_

  
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